

EXHIBIT 1

EXHIBIT 1

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bevanson@gibsondunn.com

Attorneys for Defendants Rimini Street, Inc. and Seth Ravin

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation,
and SETH RAVIN, an individual,

Defendants.

LEWIS ROCA ROTHGERBER LLP
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wallen@lrllaw.com

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Case No. 2:10-cv-0106-LRH-PAL

**DECLARATION OF BLAINE H.
EVANSON IN SUPPORT OF RIMINI
STREET'S AND SETH RAVIN'S
EMERGENCY MOTION FOR AN
EXTENSION OF TIME TO RESPOND TO
ORACLE'S MOTION FOR ATTORNEYS'
FEES AND COSTS**

Judge: Hon. Larry R. Hicks

DECLARATION OF BLAINE H. EVANSON

I, Blaine H. Evanson, declare as follows:

1. I am an attorney admitted *pro hac vice* to practice law before this Court. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and I am one of the attorneys responsible for the representation of Defendants Rimini Street, Inc. and Seth Ravin in the above-captioned action. I submit this declaration in support of Defendants' Emergency Motion for an Extension of Time To Respond to Oracle's Motion for Attorneys' Fees. The following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently to these facts.

2. On Monday November 23, I contacted Oracle's counsel, Tom Hixson and Kieran Ringgenberg, regarding Rimini's intention to request a 60-day extension of time to respond to Oracle's motion for attorney's fees. I requested Oracle's stipulation to the extension, but noted that if Oracle would not stipulate, Rimini would file its motion on November 24. On Tuesday, November 24, Oracle's counsel requested to meet and confer regarding Rimini's request, but was not available until November 25. This correspondence is attached as part of **Exhibit 1**.

3. On November 25, the parties held a conference call to discuss the request. Oracle indicated it would not stipulate to the full 60-day extension but may agree to stipulate to a one- or two-week extension. Oracle also agreed it would participate in a joint statement to the court so that the parties could explain their positions concisely in one document without the need for additional briefing. I made clear to Oracle's counsel during the meet-and-confer call that the joint statement needed to be submitted "early the following week."

4. Over the Thanksgiving holiday, Rimini prepared its portion of the joint statement and sent it to Oracle on Friday, November 30.

5. Nearly a week later, on Wednesday, December 2, after exchanging a series of letters (attached as **Exhibit 2** and **Exhibit 3**) regarding Oracle's belated supplementation of its fees request and its omission of key documents from its original fees filing, Oracle sent Rimini its portion of the joint statement. Approximately two hours later, I returned the statement to Oracle, explained the limited edits I had made, and sought Oracle's permission to file it by 10:00 a.m. PST on Thursday, December 3. If not, I indicated that Rimini would plan to seek emergency relief from the Court.

6. Oracle's counsel responded to my e-mail just before 10:00 a.m. and requested additional time before agreeing to the joint statement. I responded that given that 10 days had passed since Rimini had notified Oracle of its extension request, and in light of the rapidly approaching December 14 deadline for Rimini's opposition to Oracle's \$56.3 million fees request, Rimini could not further delay seeking relief for the Court. As a result, I reiterated to Oracle's counsel that we would seek emergency relief from this Court if we did not have Oracle's agreement to the joint statement by 12:30 p.m. PST. That correspondence is included as part of **Exhibit 1**.

7. Rimini is seeking this emergency relief at the earliest possible opportunity. Although Rimini was prepared to file its emergency motion as early as November 23, Rimini attempted to obtain Oracle's agreement to the extension first, and, failing that, its agreement to participate in a joint statement so as not to generate unnecessary briefing for the Court. Oracle agreed to participate in the joint statement, but then delayed preparing and finalizing its portion of the statement, and in doing so, prolonged the filing of Rimini's emergency motion.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that I executed this Declaration on the 3rd day of December, 2015 in Los Angeles, California.

/s/ *Blaine H. Evanson*
Blaine H. Evanson

EXHIBIT 1

From: [Evanson, Blaine H.](#)
To: [Hixson, Thomas S.](#)
Cc: [ringgenberg \(kringgenberg@bsfllp.com\)](#); [Henriod, Joel D.](#); [Beko Richardson \(brichardson@BSFLLP.com\)](#); [Blas, Lauren M.](#); [Polenberg, Daniel F.](#); [Gorman, Joseph A.](#)
Subject: RE: Oracle v. Rimini
Date: Thursday, December 03, 2015 10:22:07 AM

Tom – It has now been 10 days since we requested an extension from Oracle, and our deadline for the opposition is rapidly approaching. We cannot wait any longer before going to the Court. We turned around edits to the joint statement in two hours last night, after receiving Oracle's portion of the statement it had been working on for almost a week. In addition, we made only minor additions to the statement that should not require much (if any) change to Oracle's statement. We will give you two more hours, but we plan to file an emergency motion with the Court around 12:30 PST today if we don't have your sign-off on the joint statement by then.

From: Hixson, Thomas S. [<mailto:thomas.hixson@morganlewis.com>]
Sent: Thursday, December 03, 2015 9:55 AM
To: Evanson, Blaine H.
Cc: [ringgenberg \(kringgenberg@bsfllp.com\)](#); [Henriod, Joel D.](#); [Beko Richardson \(brichardson@BSFLLP.com\)](#); [Blas, Lauren M.](#); [Polenberg, Daniel F.](#); [Gorman, Joseph A.](#)
Subject: RE: Oracle v. Rimini

Blaine,

We will have further changes in light of Rimini's changes. However, emailing us revisions to Rimini's arguments after midnight and demanding Oracle's revisions by 10am is unreasonable. We will send you our revisions today.

Tom Hixson

Morgan, Lewis & Bockius LLP

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Assistant: Jennifer Gray | +1.415.442.1783 | jennifer.gray@morganlewis.com

From: Evanson, Blaine H. [<mailto:BEvanson@gibsondunn.com>]
Sent: Thursday, December 03, 2015 12:22 AM
To: Hixson, Thomas S.
Cc: [ringgenberg \(kringgenberg@bsfllp.com\)](#); [Henriod, Joel D.](#); [Beko Richardson \(brichardson@BSFLLP.com\)](#); [Blas, Lauren M.](#); [Polenberg, Daniel F.](#); [Gorman, Joseph A.](#)
Subject: Re: Oracle v. Rimini
Importance: High

Thanks Tom. Attached is a clean version and a redline showing a few changes. We are going to move separately to expedite briefing on the motion to compel, so we cut that request in the introductory paragraph and Oracle's corresponding argument at the end. And we cut the advocacy from both parties' perspectives in the

introductory paragraph, so that paragraph now just references the parties' positions below.

We need to file this tomorrow morning. Please let us know by 10:00 am PST if you have any further changes, and provide us your authorization to e-sign on your behalf. If we can't get your sign-off to file the joint statement tomorrow morning, we will need to move for emergency relief from the Court, given the impending deadline for Rimini's opposition.

Thanks,

Blaine

Blaine H. Evanson

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From: "Hixson, Thomas S." <thomas.hixson@morganlewis.com>
Date: Wednesday, December 2, 2015 at 10:00 PM
To: Blaine Evanson <bevanson@gibsondunn.com>
Cc: "ringgenberg (kringgenberg@bsfllp.com)" <kringgenberg@bsfllp.com>, "Henriod, Joel D." <JHenriod@lrrlaw.com>, "Beko Richardson (brichardson@BSFLLP.com)" <brichardson@BSFLLP.com>, Lauren Blas* <LBlas@gibsondunn.com>
Subject: RE: Oracle v. Rimini

Blaine,

Attached is a revised document. It contains Oracle's section, some edits to the introduction and a correction to a typo in Rimini's section. Also attached is a redline in pdf showing these additions and changes.

Tom Hixson

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From: Evanson, Blaine H. [<mailto:BEvanson@gibsondunn.com>]

Sent: Friday, November 27, 2015 7:43 PM
To: Hixson, Thomas S.
Cc: ringgenberg (kringgenberg@bsfllp.com); Henriod, Joel D.; Beko Richardson (brichardson@BSFLLP.com); Blas, Lauren M.
Subject: Re: Oracle v. Rimini

Tom — Attached is a draft joint statement with Rimini's portion included. If you'll insert Oracle's portion, and shoot it back to us, we'll finalize and get it ready for filing. Thanks; I hope everyone had a great Thanksgiving.

Blaine H. Evanson

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From: "Hixson, Thomas S." <thomas.hixson@morganlewis.com>
Date: Wednesday, November 25, 2015 at 3:27 PM
To: Blaine Evanson <bevanson@gibsondunn.com>
Cc: "ringgenberg (kringgenberg@bsfllp.com)" <kringgenberg@bsfllp.com>, "Henriod, Joel D." <JHenriod@lrrlaw.com>, "Beko Richardson (brichardson@BSFLLP.com)" <brichardson@BSFLLP.com>, Lauren Blas* <LBlas@gibsondunn.com>
Subject: RE: Oracle v. Rimini

Blaine,

I'm following up on our meet and confer call today. Oracle does not agree to a two month extension of time for Rimini to oppose the attorneys' fee motion. In an effort to be accommodating, Oracle is willing to agree to a one or two week extension of time on the opposition, provided we get a similar extension for our reply. However, we think a two month extension is not reasonable.

As discussed, please send us a draft of the joint statement, and we will put in a section concerning our position. Thanks.

Tom Hixson

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From: Evanson, Blaine H. [<mailto:BEvanson@gibsondunn.com>]
Sent: Wednesday, November 25, 2015 9:53 AM
To: Hixson, Thomas S.
Cc: ringgenberg (kringgenberg@bsfllp.com); Henriod, Joel D.; Beko Richardson (brichardson@BSFLLP.com); Blas, Lauren M.

Subject: Re: Oracle v. Rimini

Thanks Tom. We can use my dial in:

877.492.4011

Passcode: 213 229 7228

Blaine H. Evanson

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On Nov 25, 2015, at 1:43 AM, Hixson, Thomas S. <thomas.hixson@morganlewis.com> wrote:

Yes, that works. Thanks.

Tom Hixson

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On Nov 24, 2015, at 7:31 PM, Evanson, Blaine H. <BEvanson@gibsondunn.com> wrote:

Tom — Thank you. Would 1:00 pm PT tomorrow work? If so, I'll circulate a dial-in.

Blaine H. Evanson

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From: "Hixson, Thomas S." <thomas.hixson@morganlewis.com>

Date: Tuesday, November 24, 2015 at 11:48 AM

To: Blaine Evanson <bevanson@gibsondunn.com>, "ringgenberg" (<kringgenberg@bsfllp.com>)" <kringgenberg@bsfllp.com>

Cc: "Henriod, Joel D." <JHenriod@lrrlaw.com>, "Beko Richardson (brichardson@BSFLLP.com)" <brichardson@BSFLLP.com>

Subject: RE: Oracle v. Rimini

Blaine,

We would like to discuss in further detail so that we can understand Rimini's position. Today does not work for us for a meet and confer. However, we are generally available tomorrow. Please let us know if there is a time tomorrow that works for you.

Thanks.

Tom Hixson

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Assistant: Jennifer Gray | +1.415.442.1783 | jennifer.gray@morganlewis.com

From: Evanson, Blaine H. [<mailto:BEvanson@gibsondunn.com>]

Sent: Monday, November 23, 2015 10:18 PM

To: Hixson, Thomas S.; ringgenberg (kringgenberg@bsfllp.com)

Cc: Henriod, Joel D.

Subject: Oracle v. Rimini

Tom and Kieran — Rimini is in need of an extension for its opposition to the request for attorneys' fees. We're happy to discuss in further detail, but it will be simply impossible for Rimini's lawyers and experts to review and analyze the volume of materials filed in connection with Oracle's motion in the allotted time period. We plan to request an additional 60 days. We would obviously prefer to stipulate to the extension, so please let us know if you are willing. Could you please let us know your position tomorrow, so we can get a motion on file if you will not stipulate? Thank you.

Blaine H. Evanson

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EXHIBIT 2

From: [Helm, Jessica](#)
To: ["rpocker@bsflp.com"](#); ["wisaacson@bsflp.com"](#); ["kdunn@bsflp.com"](#); ["sholtzman@bsflp.com"](#); ["kringgenberg@bsflp.com"](#); ["thomas.hixon@morganlewis.com"](#); ["kristen.palumbo@morganlewis.com"](#)
Cc: [Polsenberg, Daniel F.](#); [Henriod, Joel D.](#); [Allen, West](#); ["JReilly@riministreet.com"](#); ["dwinslow@riministreet.com"](#); ["EMendillo@riministreet.com"](#); ["RRECKERS@shb.com"](#); [Evanson, Blaine H.](#); ["PSTRAND@shb.com"](#)
Subject: Oracle USA, Inc., et al. v. Rimini Street, Inc., et al.
Date: Tuesday, December 01, 2015 4:02:50 PM
Attachments: [2015.12.01 Letter.pdf](#)

Counsel,

Please find the attached correspondence from Mr. Polsenberg regarding Oracle's amendment to its motion for fees and costs.

A response by tomorrow morning, Pacific time, is requested.

Thank you,
Jessie

cid:image002.jpg@01D12152.975092D0



Jessica Helm, Legal Secretary
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Our File Number: 152296-00001

December 1, 2015

VIA ELECTRONIC MAIL

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Thomas S. Hixson
Thomas.Hixson@MorganLewis.com
Kristen A. Pumbo
Kristen.Pumbo@MorganLewis.com
MORGAN, LEWIS & BOCKIUS LLP

RE: *Oracle USA, Inc., et al. v. Rimini Street, Inc., et al.*
District Court Case No. 2:10-CV-160-LRH-(PAL)

Dear counsel:

We noted that Oracle amended its motion for fees and costs yesterday, adding approximately \$200,000 to its fee request. In addition, in reviewing the exhibits to your declaration in support of the fee request, we notice that you have failed to include any invoices from 2010 (Exhibits 3 and 4 are identical, and are both Bingham 2009 invoices). Please correct us if we are mistaken.

Rimini's position is that the \$200,000 supplement yesterday was untimely, and that it would also be inappropriate for Oracle to now add the invoices from 2010.

Rimini is willing to stipulate that Oracle be allowed to amend its fee request with both additions, however, as long as Oracle agrees to the 60-day extension Rimini requested for its opposition to Oracle's fees motion.

LEWIS ROCA
ROTHGERBER

December 1, 2015

Page 2

If Oracle is still unwilling to agree to the extension, Rimini will amend its portion of the joint statement to further support its extension request based on these untimely amendments to Oracle's attorneys' fees motion. In addition, given the impending deadline under the current schedule, if Oracle does not respond tomorrow morning, Pacific time, with either an agreement to the extension or its portion of the joint statement, Rimini will file an emergency motion.

Sincerely,



Daniel F. Polsenberg
LEWIS ROCA ROTHGERBER LLP

EXHIBIT 3

From: [Hixson, Thomas S.](#)
To: [Helm, Jessica](#); "[rpocker@bsflp.com](#)"; "[wisaacson@bsflp.com](#)"; "[kdunn@bsflp.com](#)"; "[sholtzman@bsflp.com](#)"; "[kringgenberg@bsflp.com](#)"; [Palumbo, Kristen A.](#)
Cc: [Polenberg, Daniel F.](#); [Henriod, Joel D.](#); [Allen, West](#); "[JReilly@riministreet.com](#)"; "[dwinslow@riministreet.com](#)"; "[EMendillo@riministreet.com](#)"; "[RRECKERS@shb.com](#)"; [Evanson, Blaine H.](#); "[PSTRAND@shb.com](#)"
Subject: RE: Oracle USA, Inc., et al. v. Rimini Street, Inc., et al.
Date: Wednesday, December 02, 2015 11:33:12 AM
Attachments: [\(200622039\) \(1\) 12.2.15 letter to Polenberg.PDF](#)

Counsel,

Please see the attached correspondence.

Tom Hixson

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From: Helm, Jessica [<mailto:JHelm@lrllaw.com>]
Sent: Tuesday, December 01, 2015 4:01 PM
To: '[rpocker@bsflp.com](#)'; '[wisaacson@bsflp.com](#)'; '[kdunn@bsflp.com](#)'; '[sholtzman@bsflp.com](#)'; '[kringgenberg@bsflp.com](#)'; Hixson, Thomas S.; [Palumbo, Kristen A.](#)
Cc: [Polenberg, Daniel F.](#); [Henriod, Joel D.](#); [Allen, West](#); '[JReilly@riministreet.com](#)'; '[dwinslow@riministreet.com](#)'; '[EMendillo@riministreet.com](#)'; '[RRECKERS@shb.com](#)'; '[BEvanson@gibsondunn.com](#)'; '[PSTRAND@shb.com](#)'
Subject: Oracle USA, Inc., et al. v. Rimini Street, Inc., et al.

Counsel,

Please find the attached correspondence from Mr. Polenberg regarding Oracle's amendment to its motion for fees and costs.

A response by tomorrow morning, Pacific time, is requested.

Thank you,
Jessie

cid:image002.jpg@01D12152.975092D0



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Thomas S. Hixson

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December 2, 2015

VIA E-MAIL

Daniel F. Polsenberg
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3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169

Re: Oracle USA, Inc., et al. v. Rimini Street, Inc., et al., No. 2:10-cv-00160 LRH (PAL)

Dear Daniel:

I write in response to your December 1, 2015 letter. First, thank you for calling our attention to the fact that we inadvertently filed Bingham's 2009 invoices twice with our attorneys' fee motion. You are correct that Exhibit 4 to my declaration was intended to be Bingham's 2010 invoices. The attorneys' fee amounts reflected in Exhibits 1 and 2 to my declaration do reflect those amounts. Oracle will file an errata later today with the corrected exhibit containing Bingham's 2010 invoices.

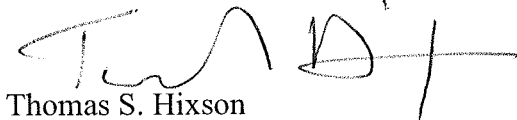
We do not see how either Monday's or today's errata causes Rimini any prejudice, since they make only minor adjustments and corrections to our original motion. In any event, we offered Rimini a two-week extension of time to file its opposition to our fees motion – which you declined – which would have cured any arguable prejudice due to the errata.

There is no connection between these errata and Rimini's request for a two month extension of time to oppose Oracle's motion. You were demanding a two month extension before we filed Monday's errata, and your demand remains unchanged since then. Oracle continues to believe that a two month extension of time is unreasonable. We are still willing to agree to a two-week extension of time, provided Oracle receives a similar extension for its reply brief, if that will resolve the current dispute about the briefing schedule.

Daniel F. Polsenberg
December 2, 2015
Page 2

Assuming that your position remains unchanged, we expect to send you Oracle's portion of the joint statement later today. If Rimini subsequently makes amendments to its portion, as you state that it will, then Oracle reserves the right to amend its section in response.

Sincerely,


Thomas S. Hixson

cc: Counsel of Record